

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

MAR 18 1996

In the Matter of)
)
Telecommunications Services) CS Docket No. 95-184
Inside Wiring)
)
Customer Premises Equipment)

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COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) respectfully submits its comments in the above referenced proceeding. USTA is the principal trade association of the exchange carrier industry. Its members provide over 98 percent of the exchange carrier-provided access lines in the United States.

On July 27, 1993, USTA, in conjunction with Media Access Project and Citizens for a Sound Economy Foundation, petitioned the Commission to initiate a proceeding to examine the manner by which all consumers can have access to cable home wiring for the delivery of competing and complementary services. The Cable Act of 1992 directed the Commission to formulate rules governing the disposition of cable home wiring after a cable subscriber terminates service. The petitioners requested that the Commission initiate a new proceeding to determine how cable subscribers may have access to cable home wiring before termination of service and further stated that the Commission's telephone inside wiring rules provide a reasonable model for cable home wiring. "Adopting cable home wiring rules modeled after

those for telephone inside wiring would further the primary goal of the Cable Act of 1992 to increase competition and enhance consumer choice in the cable television market.”¹ USTA was particularly concerned that consumers and competitors alike were being harmed or hampered because the rules were deficient in three ways. First, a customer did not have an option to own cable wiring absent a decision to change service provider. Secondly, even after the customer decided to terminate cable service, the cable company had thirty days to determine what to do about the disposition of the wire. Thirdly, the demarcation point at 12 inches outside of the customer’s premises rendered it, in many multi-unit dwellings, inaccessible. The result of these deficiencies was that, unlike the rules governing telephone inside wiring, the cable inside wiring rules continued to place restrictions on customer choice, thereby thwarting competitive opportunities for consumers. USTA is pleased that the Commission is examining these issues in this proceeding.

DEMARCATIION POINT

In its Notice of Proposed Rulemaking, the Commission seeks comment on whether a common demarcation point should be established for wireline communications networks.² The Commission states that a common point could make logical and technical sense yet also states that there may be technical and practical constraints on setting a common demarcation point. USTA supports the Commission’s intent to give consumers choices for cable inside wiring

¹ Joint Petition for Rulemaking of Media Access Project, United States Telephone Association, and Citizens for a Sound Economy Foundation, filed July 27, 1993, p. 8.

² NPRM, p. 8.

similar to those given consumers for telephone inside wiring. With respect to the demarcation point, USTA notes that the Commission's intent should be to make the demarcation point accessible and, therefore, urges the Commission to take a pragmatic and flexible approach.

In establishing rules for the definition of demarcation points, the Commission should recognize the differences between twisted pair service facilities and those required when coaxial cable is utilized. The rules should not be so restrictive as to denigrate existing installations that are working well and are currently responsive to the needs of service providers and customers. However, the rules should clearly permit customers to control the use of their inside wire and to ensure that existing service conditions do not inhibit their exercise of free choice in a competitive service environment.

The Commission should consider three principles in defining the demarcation point for cable. The demarcation point should establish a clearly-defined point where common plant meets the wiring dedicated to the individual subscriber; where the consumer has unrestricted access to the wiring for purposes of interconnection and testing; and where the means of connection will be acceptable to the service provider and the customer. (In most cases, USTA anticipates that this will be a common "F-type" connector.) While USTA recognizes that installations based on these principles could vary in individual circumstances, their application or adoption will offer flexibility in ownership of telephone and cable inside wiring and provide the opportunity to subscribe to competitive services.

For both single family and multiple dwelling units, it is recommended that the demarcation point for both cable and telephone inside wiring be established as a Network Interface Point and be installed by the service provider. The Network Interface Point would be

required to: (1) enable the service provider to meet the standards of electrical and safety codes, such as those established under the National Electrical Code or the National Electric Safety Code, or such other requirement that might apply; (2) utilize a standard connection device which will allow both the customer and the service provider to perform maintenance and other tests; and (3) permit accessibility by the customer for purposes of interconnection and testing. The current requirements for telephone inside wiring need not be revised, as the demarcation point is at an accessible location and interconnected by standard means.

Comparable standards exist today for telephone companies for purposes of demarcation which are analogous to the Network Interface Point proposed above. As with telephone rules, customers and competitors should readily understand the requirements and be able to meet them so that both cable service provider and customer share the benefits of a point that is accessible and useful in the provision of service. In addition, the ability to choose competing providers of services is essential in a truly competitive environment. The Commission should also require that, in the case of multiple dwelling units, customers have the ability to subscribe to the service provider(s) of their choice.

SIGNAL LEAKAGE

With respect to signal leakage and quality concerns, the Commission's rules currently hold service providers responsible for ensuring proper connections. Therefore, the Commission need only continue to enforce its existing rules with regard to cable wiring. The Commission should ensure that signal leakages do not exceed Part 15 requirements and should further ensure that service providers have the responsibility to assist wiring owners in adhering to such signal

leakage requirements.

MEANS OF CONNECTION

The manner in which telephone inside wiring is connected provides a good example for cable inside wiring. Just as the modular connected jack came to be used as the standard for telephone interconnection, “F-type” connectors are a cost-effective means cable operators employ almost exclusively for connection between coaxial wire and equipment and should also be viewed as the standard for cable interconnection. However, in a world of competition, if alternative arrangements that produce the same result can be agreed upon by the service provider and the party to be served, they should be permitted.

REGULATION OF WIRING

The Commission asks whether it should harmonize the common carrier and cable rules with regard to simple versus complex and residential versus non-residential wiring. The Commission need not revisit the rules that have deregulated the installation and maintenance of both simple and complex telephone inside wire.

In multi-tenant facilities, the facility entrance point for cable wiring could be installed in a variety of possible locations. These points might occur in secured cabinets, in a basement, or at other location(s) which also contain facilities that serve multiple customers. Customer access cannot be provided at such points; the opportunity for mistake or mischief makes it possible that one customer’s act could interfere with the service to others. In the case of multi-tenant facilities, the building owner should have the option to own inside wiring or common equipment and wiring used in loop-through systems. However, the building owner that owns the wire

should also be required to provide the opportunity for each tenant to subscribe to a service provider of the customer's choice.³

CUSTOMER ACCESS TO WIRING

USTA agrees with the Commission that there is no reason to change its rules giving consumers the right to access their narrowband wiring inside the demarcation point regardless of whether that wiring is used to provide voice, video, or data services. The multiplicity of options that consumers enjoy with respect to telephone inside wiring should be extended to cable inside wiring as well. Consumers should have the right, on their side of the demarcation point, to provide and to install their own broadband inside wiring. As the Commission has correctly noted, if a consumer has access to and control over the inside wiring prior to termination of service, that consumer may be less likely to perceive impediments in changing to an alternative broadband service provider. Cable consumers should have the same access to cable inside wiring that telephone consumers have to telephone inside wiring and for the same reasons: to increase competition, promote market entry, produce cost savings, and to create a competitive environment for the development of telecommunications services.

CUSTOMER PREMISES EQUIPMENT (CPE)

The competitive marketplace and adherence to standards can best address the ability of consumers to provide and connect CPE to cable and other broadband facilities. In a competitive environment, cable operators and other providers of broadband services will have the incentive to

³ See USTA comments in MM Docket No. 92-260, p.2.

provide their customers with the technical information they need to purchase the appropriate terminal equipment. Likewise, in a competitive environment, the cable operator/broadband service provider will have a strong incentive to create an environment that promotes ease of subscribership and interconnection for existing and would-be customers which will include the ability to provide innovative services, to maintain network and system integrity, and to protect against theft of service. The customer should be provided the opportunity to obtain terminal equipment from whatever source is preferred.

The Commission has raised the issue of establishing new rules to support a registration program for video and broadband CPE. In the case of traditional telephone equipment, the Commission had good cause to develop a detailed set of technical rules designed to prevent “harm” to the network. But even in the environment of long-standing devices and a basic interface that had been stable for many years (and continues to be stable today), the development of such rules was a complex and arduous task. Video and broadband equipment are continuously undergoing change, and “harms” that could be caused to others are much more difficult to define. Service providers offer a wide set of technical regimes; many of them are dissimilar. In such an environment, an equipment registration program is unnecessary and, very likely, totally impracticable.

In a competitive environment, the service provider and the customer have a common interest in the delivery and receipt of high quality services. They should be permitted to establish the terms and conditions, technical as well as economic, for the provision of high quality service, and in which protections from theft of service, the ability to provide innovative services and network integrity are preserved for the benefit of all concerned.

CONCLUSION

USTA urges the Commission to take a pragmatic and flexible approach in establishing rules and to consider three principles in defining the demarcation point for cable. The demarcation point should establish a point where common plant meets the wiring dedicated to the individual subscriber; where the consumer has unrestricted access to the wiring for purposes of interconnection and testing; and where the means of connection will be acceptable to the service provider and the customer. USTA maintains that the current requirements for telephone inside wiring need not be revised. For both single family and multiple dwelling units, it is recommended that the demarcation point for both cable and telephone wiring be established as a Network Interface Point and be installed by the service provider. The Network Interface Point would be required to: (1) enable the service provider to meet the standards of electrical and safety codes, such as those established under the National Electrical Code or the National Electric Safety Code, or such other requirement that might apply; (2) utilize a standard

connection device which will allow both the customer and the service provider to perform maintenance and other tests; and (3) permit accessibility by the customer for purposes of interconnection and testing.

Respectfully submitted,

United States Telephone Association

By: 

Its Attorneys:

Mary McDermott
Linda Kent
Charles D. Cosson

Paul Hart
Vice President, Technical Disciplines

Kathy Woods
Director, Legal and Regulatory Affairs

1401 H Street NW
Suite 600
Washington, DC 20005
(202) 326-7248

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